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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,393	04/13/2004	Alfredo Botelho	ZEDO-01004US0	3377

7590

11/25/2005

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EXAMINER

PATEL, HARESH N

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,393

Applicant(s)

BOTELHO ET AL.

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 6, 15 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are subject to examination.

Priority

2. Applicant's claim for domestic priority (U.S. Provisional Patent application number 60/462,662) under 35 U.S.C. 119(e) is acknowledged.

Specification

3. The disclosure is objected. Some of the informalities are:
 - i. Paragraph 9, page 3, line 2, states, "client size script", which should be, --client side script--.

Appropriate correction is required.

Drawings

4. The figures 1-8 filed on 08/05/2004 are acknowledged.

Claim Objections

5. Claims 6, 15 and 19 are objected to because of the following informalities:

Claim 6, line 2, is missing "." (period) after "the frequencies".

Claim 15 mentions, "A method of claim 1, wherein the method is provided for in processor executable form", which should be "The method of claim 1, wherein the method is provided for in processor executable form".

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Claim 19, line 5, mentions, “the cookie has been accessed the object oi”, which should be “the cookie has been accessed by the object oi”.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-14 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. Claims 1-14 and 16 are software per se that is not tangibly embodied on a computer readable medium and therefore lacks a practical application because it alone cannot produce its intended outcome. The claimed subject matter of claims 1-14 and 16 do not contain physical entity to carry out the claimed method steps.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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9. Claims 1-5, 7, 11-15, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinman et al., U.S. Publication 2003/0105663, June 5, 2003, "Network-based Sweepstakes system and method" (Hereinafter Steinman).

10. As per claim 1, Steinman teaches a method (paragraph 4, page 1) for calculating (determine number of accesses, paragraph 6, page 1) reach (accessing website, paragraph 4, page 1) of a web object (website, paragraph 4, page 1) using counter cookies (cookies containing information on number of times the website is accessed, paragraph 13, page 1; paragraph 14, page 2).

11. As per claim 2, Steinman teaches wherein at least one frequency of exposure (daily, monthly, yearly, access, paragraph 6, page 1) of the web object (website, paragraph 4, page 1) is calculated (determine number of accesses, paragraph 6, page 1) using the counter cookies (cookies containing information on number of times the website is accessed, paragraph 13, page 1; paragraph 14, page 2).

12. As per claim 3, Steinman teaches wherein the effective reach (e.g., comparative number of accesses to a website with respect to others, paragraph 6, page 1, daily, monthly, yearly, access, paragraph 6, page 1) of the web object (website, paragraph 4, page 1) is calculated (determine number of accesses, paragraph 6, page 1) using the counter cookies (determine number of accesses, paragraph 6, page 1).

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13. As per claim 4, Steinman teaches wherein the reach comprises the number of users (each user accessing the website, paragraph 25, page 2) that access the object over a period of time (within twenty-four hours, paragraph 35).

14. As per claim 5, Steinman teaches wherein the at least one frequency comprises the number of users (each user accessing the website, paragraph 25, page 2) that access the object a given number of times (maximum number, paragraph 14, lines 15 – 25, page 2) over a period of time (within twenty-four hours, paragraph 35).

15. As per claim 7, Steinman teaches wherein the counter cookies are stored in an access log file (file containing cookies information, paragraph 30, page 3) with a unique user identification (unique user ID, paragraph 15, page 2).

16. As per claim 11, Steinman teaches wherein the counter cookies can be incremented (incremental of cookies information, paragraph 32, page 3), using at client side script (e.g., usage of javascript, paragraph 32, page 3).

17. As per claim 12, Steinman teaches wherein each of the cookies includes a variable pair (number of accesses, website information, paragraph 31, page 3) with a first variable providing a count of accesses (number of accesses, paragraph 31, page 3) and a second variable identifying a web object (website information, paragraph 31, page 3).

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18. As per claim 13, Steinman teaches wherein each cookie is associated with a set of properties (user ID information, paragraph 30, page 3, path information, paragraph 31, page 3, expiration time information, paragraph 28, page 3).

19. As per claim 14, Steinman teaches wherein the properties comprise user identification (user ID information, paragraph 30, page 3).

20. As per claim 15, Steinman teaches the method is provided for in processor executable form (paragraph 15, page 2) and stored in memory (e.g., paragraph 12, page 1).

21. As per claim 17, Steinman teaches a method (paragraph 4, page 1) for counting (determine number of accesses, paragraph 6, page 1) user accesses (accessing website, paragraph 4, page 1) to a web object (website, paragraph 4, page 1) the method comprising:

identifying an event (retrieving information for the user, paragraph 7, page 1) when a user accesses (user accessing website, paragraph 13, page 1; paragraph 14, page 2) the web object (website, paragraph 4, page 1);

incrementing (incremental of cookies information, paragraph 32, page 3) a counter cookie (cookies containing information on number of times the website is accessed, paragraph 13, page 1; paragraph 14, page 2), the counter cookie comprising a pair of variables (number of accesses, website information, paragraph 31, page 3) including a first variable identifying the web object (website information, paragraph 31, page 3) and a second variable providing the count (number of accesses, paragraph 31, page 3); and

storing (e.g., paragraph 12, page 1) the counter cookie in an access log (file / database containing cookies information, paragraph 30, page 3) with a user identification (user ID information, paragraph 30, page 3).

22. As per claim 19, Steinman teaches a method (paragraph 4, page 1) for determining access (determine number of accesses, paragraph 6, page 1) to web objects (websites / website portions, paragraph 14, page 2) comprising:

establishing a set of events (retrieving information for a user, displaying user's information, paragraph 7, page 1), each event defined by a user, n_i (number of accesses by a user, paragraph 31, page 3) and web object o_i (website information, paragraph 31, page 3) making up a pair $\langle n_i, o_i \rangle$ (number of accesses, website information, paragraph 31, page 3), where i is an integer (number of accesses);

setting a cookie value when an event occurs (e.g., setting of current number of daily / monthly / yearly information in a cookie, paragraph 28, page 3), the cookie value (cookies containing information on number of times the website is accessed, paragraph 13, page 1; paragraph 14, page 2) providing a count c_i of times (incremental of cookies information, paragraph 32, page 3) the cookie has been accessed (number of accesses, website information, paragraph 31, page 3) the object o_i (website information, paragraph 31, page 3); and

storing (e.g., paragraph 12, page 1) the cookie value c_i (cookies containing information on number of times the website is accessed, paragraph 13, page 1; paragraph 14, page 2) and the user n_i (number of accesses by a user, paragraph 31, page 3) as a pair $\langle n_i, c_i \rangle$ (number of

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accesses by a user, website information, paragraph 31, page 3) in an access log (file / database containing cookies information, paragraph 30, page 3).

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Bradley et al., U.S. Publication 2002/0186237, Dec. 12, 2002, "Method and system for displaying analytics about a website and its contents" (Hereinafter Bradley).

25. As per claim 6, Steinman teaches wherein the effective reach (e.g., comparative number of accesses to a website with respect to others, paragraph 6, page 1, daily, monthly, yearly, access, paragraph 6, page 1) comprises comparative number of users accessing the object (website, paragraph 4, page 1) at a particular one of the frequencies (daily, monthly, yearly, access, paragraph 6, page 1).

However, Steinman does not disclose percentage of users.

Bradley discloses usage of percentage of users (e.g., paragraphs 41, 42, 71 and 72, page 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Bradley in order to facilitate usage of percentage of users because the percentage metric would support indicating

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rate of change of the users. The rate of change information (i.e., percentage) regarding the users would enhance, representing information of the users at a particular instance, and representing number of users accessing the object within a defined amount of time.

26. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Moore, U.S. Publication 2003/0115216, "Methods and systems for developing market intelligence", June 19, 2003 (Hereinafter Moore).

27. As per claim 8, Steinman teaches using access logs (multiple databases containing user related information, paragraph 26, lines 21 – 28) associated with the cookies.

However, Steinman does not disclose each access log provided for a different demographic region.

Moore discloses the concept of each access log provided for a different demographic region (paragraph 16, page 2, paragraph 25, page 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Moore in order to facilitate usage of each access log provided for a different demographic region because a different log available for each demographic region would provide information specific to the particular demographic region. Having demographic region specific information stored in different logs would enhance accessing the information faster from the respective log. The different logs would support storing demographic region specific cookies.

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28. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Angles, U.S. Publication, 2002/0128925, Sep. 12, 2002, "System and method for detecting and reporting online activity using real-time content-based network monitoring" (Hereinafter Angles).

29. As per claim 9, Steinman teaches the claimed limitations as rejected under claim 1. However, Steinman does not disclose using web beacons for counting the events for the object that are accessed from cache.

Angles discloses the concept of using web beacons (paragraph 16, page 2) for counting the events (e.g., paragraph 32, page 3, table 6, lines 8 – 15, table 7, lines 5 – 15, page 11) for the object that are accessed from cache (e.g., paragraph 47, page 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Angles in order to facilitate using web beacons for counting the events for the object that are accessed from cache because the web beacons would support reporting activity related the object. The counting would report how many events occurred for accessing the object from cache. The web beacons would provide a code means for counting events regarding the object. The event counts would support information for calculating access of the object.

30. As per claim 18, Steinman teaches the claimed limitations as rejected under claim 17. However, Steinman does not disclose retrieving a web beacon for the web object.

Angles discloses the concept of retrieving (e.g., paragraph 47, page 4) a web beacon (paragraph 16, page 2) for the web object.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Angles in order to facilitate retrieving a web beacon for the web object because the web beacon would support reporting activity related the web object. The retrieving would provide information regarding the web object. The web beacon would provide a code means for containing information regarding the object over the web. The retrieved web beacon would support information for calculating access of the object.

31. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Vange et al., U.S. Publication 2002/0023159, Feb. 21, 2002, "HTTP Redirector" (Hereinafter Vange).

32. As per claim 10, Steinman teaches the claimed limitations as rejected under claim 1. However, Steinman does not disclose a single cookie is used to count the events for all objects in a domain.

Vange disclose the concept of using a single cookie is used to count the events for all objects in a domain (e.g., paragraphs 119, 120, page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Vange in order to facilitate using a single cookie is used to count the events for all objects in a domain because the single cookie would enhance counting events related to domain objects. The counting would include the events for all the objects that belong to same domain. The single domain-specific cookie

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would provide a means for counting events regarding the objects of one domain. The counter value for the events would support information for calculating access of the object(s).

33. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Glommen et al., 6,393,479 (Hereinafter Glommen).

34. As per claim 16, Steinman teaches claimed limitations rejected under claim 1. However, Steinman does not disclose the web object comprising an advertisement.

Glommen discloses the web object comprising an advertisement (lines 27 – 32, page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Glommen in order to facilitate the web object comprising an advertisement because the advertisement would be supported by the web object. The web object would provide advertisement information available over the web. The advertisement supported by the web object would be available for accessing the web object. The counter cookies would support calculating accessing the advertisement of the web object.

35. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman in view of Reiner et al., U.S. Publication, 2003/0023715, "System and method for logical view analysis and visualization of user behavior in a distributed computer network" (Hereinafter Reiner).

36. As per claim 20, Steinman teaches determining unique visitors (unique users accessing website, paragraph 15, page 2) of a web object (website, paragraph 14, page 2) by using the access log (file / database containing cookies information, paragraph 30, page 3) for different

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ones of the users ni (unique users accessing website, paragraph 15, page 2) that accessed the object oi (website, paragraph 14, page 2).

However, Steinman does not disclose determining the number of visitors to count the number of visitors.

Reiner discloses the concept of determining the number of visitors to count the number of visitors (paragraph 77, page 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Steinman with the teachings of Reiner in order to facilitate determining the number of visitors to count the number of visitors because the determination would indicate how many visitors accessed the object. The count of how many visitors accessed the website would provide support representing information of the users access to the web object within a defined amount of time.

Conclusion

37. The prior art made of record (see form PTO-892) and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Haresh Patel

October 19, 2005


SUPERVISOR
OCT 19 2005
EBC